

### **REMARKS**

The Office Action dated November 23, 2004, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 62, 75, 86, 88, 90, 92 and 93 are amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter is added, and support for the amendments may be found throughout the specification, for example, on page 5, lines 19-23. Further, no new issues are raised that require further consideration and/or search. Thus, claims 62-93 are pending in the present application and are respectfully submitted for consideration.

Claims 62-93 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,122,514 (*Spaur et al.*). The Office Action took the position that *Spaur* taught all the elements of the claims. Applicants submit that *Spaur* does not disclose or suggest all the features of pending claims 62-93.

Claim 62, upon which claims 63-74 are dependent, recites a method for routing a data transmission connection between terminal equipment and a host. A data transmission network includes at least two access points for connection of the terminal equipment to a data transmission network. The method includes establishing a criterion for a choice of an access point. The method also includes evaluating access points according to the criterion. The method also includes choosing at least two of the access

points which meet the criterion. The method also includes transmitting at least a part of data through at least two of the at least two chosen access points.

Claim 75, upon which claims 76-85 are dependent, recites a method of routing data transmission connection between terminal equipment and a host over a data transmission network including at least two access points for connection of the terminal equipment to the data transmission network. The method includes establishing a criterion for a choice of a data transmission relaying capacity of the access points. The method also includes estimating the access points in accordance with the criterion. The method also includes choosing a relaying capacity of each access point according to results of the estimation step. The method also includes proportioning data transmission traffic between the access points in relation to the chosen relaying capacities such that at least a part of data is transmitted through at least two of the at least two access points.

Claim 86, upon which claim 87 is dependent, recites an arrangement for routing a data transmission connection between terminal equipment and a host over a data transmission network. The data transmission network includes at least two access points for connecting the terminal equipment to the data transmission network. The arrangement includes a router located in the terminal equipment for routing a data transmission through at least two access points such that at least a part of the data is transmitted through at least two of the at least two access points.

Claim 88, upon which claim 89 is dependent, recites an arrangement for routing a data transmission connection between terminal equipment and a host over a data

transmission network. The data transmission network includes at least two access points for connecting the terminal equipment of the data transmission network. The arrangement includes a router located in the terminal equipment and in a gateway exchange for routing a data transmission through at least two access points such that at least a part of data is transmitted through at least two of the at least two access points.

Claim 90, upon which claim 91 is dependent, recites an arrangement for routing a data transmission connection between terminal equipment and a host over a data transmission network. The data transmission network includes at least two access points for connecting the terminal equipment to the data transmission network. The arrangement includes a router located in a gateway exchange for routing a data transmission through at least two access points such that at least a part of data is transmitted through at least two of the at least two access points.

Independent claim 92 includes features of claim 62, but recites terminal equipment configured to perform the steps recited in claim 62. Claim 93 also includes features of claim 62, but recites terminal equipment having means for performing the steps recited in claim 62.

As discussed in the specification, examples of the present invention enable the choosing of more than one access for connection between the terminal equipment and the host so that data is transmitted along at least two different routes between the terminal equipment and the host. The data may be received in one direction along the two different routes. Further, examples of the present invention enable the traffic to be

divided between at least two accesses according to pre-established criteria so that certain part of the traffic may be relayed through one access and the remaining traffic may be relayed through another access. Thus, reliability of the transmission may be improved as the same packets may be transmitted at least twice. It is respectfully submitted that the prior art of *Spaur* fails to disclose or suggest all the elements of any of the presently pending claims. Therefore, *Spaur* fails to provide the critical and unobvious advantages discussed above.

*Spaur*, as discussed in the previous response, relates to communications channel selection. In the system described by *Spaur*, a number of network channels are available and includes a link selector for selecting an acceptable network channel. During one bi-directional communications operation, information is transmitted and received using two different network channels. For example, terminal stack 12 enables communications system 10 to transmit and receive information using two different networks and two different network channels, or links 34a-34n. Communications system 10 determines that the L1 network interface is better for outgoing packets and network interface L2 is better for incoming packets. An outgoing packet is sent through the L1 network interface. When responding, the remote station routes a packet to communications system 10 along the route that is determined to be optimal to reach the L2 network interface of communications system 10. Accordingly, in the return path, the network interface L1 and the outgoing links are not used. Thus, *Spaur* describes that every information packet is sent only once during an operation. For example, certain packets

are sent over a spread spectrum link and certain other packets are sent over a CDPD channel, as determined by communication system 10.

Applicants submit that the cited reference does not disclose or suggest all the features of the pending claims. For example, *Spaur* does not disclose or suggest "choosing at least two of the access points which meet said criterion" and "transmitting at least a part of data through at least two of the at least two chosen access points," as recited in claim 62. Independent claims 75, 86, 88, 90, 92 and 93 also recite these patentable features. Applicants submit that *Spaur* does not disclose or suggest at least these features of the presently pending claims.

Applicants submit that *Spaur* does not disclose or suggest choosing at least two access points and transmitting at least a part of data through at least two of the at least two chosen access points. Instead, *Spaur* transmits an information packet only once using one network channel during an operation. The communications network of *Spaur* communicates in a bi-directional manner with the remote station by choosing an optimal path for an outgoing packet and another optimal path for an incoming packet. This aspect of *Spaur* does not disclose or suggest the data transmission being proportioned between at least two access points in relation to the chosen relaying capacities. Thus, *Spaur* does not disclose or suggest transmitting at least a part of data through at least two of the at least two chosen access points. Applicants submit that *Spaur* does not disclose or suggest at least these features of the presently pending claims.

Claims 63-74, 76-85, 87, 89 and 91 are directly or indirectly dependent upon the independent claims discussed above. The dependent claims are allowable at least for the reasons given above, and because they recite additional patentable subject matter. For at least these reasons, applicants respectfully request that the anticipation rejection of claims 62-93 be withdrawn.

Thus, it is submitted that each of claims 62-93 recites subject matter that is neither disclosed nor suggested by the cited reference. It is therefore respectfully requested that all of claims 62-93 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William F. Nixon', written over a horizontal line.

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